

In this case there is no explanation in the Restriction Requirement as to why the proposed alternative process would be a materially different process, as that term is used in the MPEP to support Restriction, nor is there an explanation as to how or why the proposed alternative process would or could provide the product of, e.g., Claim 1.

Applicants thus respectfully submit that the Restriction Requirement fails to make out a *prima facie* case supportive of Restriction, and for this reason Applicants request that the Requirement be withdrawn and that all claims in this case be examined.

In addition, for a Restriction to be proper a burden must be placed on the Office in examining all claims. Here, a search of all pending claims would entail only a search of a few subclasses, which would not place an undue burden on the Office.

Finally, Applicants note that the provisionally non-elected claims are method claims, and thus rejoinder is respectfully requested. The Examiner is authorized to make the process claims depend from appropriate device claims if necessary for rejoinder and allowance on first action. See MPEP §821.04.

Respectfully submitted,

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